

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Englemaede Road, 670' E of * ZONING COMMISSIONER
Stevenson Road * OF BALTIMORE COUNTY
(3409 Englemaede Road) * Case No. 90-454-A
3rd Election District
2nd Councilmanic District
Richard H. Kress, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 10 feet in lieu of the required 15 feet for a proposed addition and an amendment to the Final Development Plan of Stanton Woods in accordance with Petitioner's Exhibit 1.

The Petitioners, by Richard H. Kress, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3409 Englemaede Road, consists of .739 acres more or less zoned R.C. 5 and is currently improved with a single family dwelling. Petitioners are desirous of constructing two additions onto the existing dwelling to provide more habitable space for their growing family. Testimony and evidence indicated that only the proposed addition on the southwest corner of the subject dwelling requires a variance. Mr. Kress testified that due to the layout of the dwelling and its location on the subject property, the proposed location for the addition is the most practical and if the requested relief were denied, he would suffer an undue hardship and practical difficulty. Mr. Kress further testified that he has discussed his proposal with his neighbors who have indicated they have no objections.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of June, 1990 that the Petition for Zoning Variance to permit a side yard setback of 10 feet in lieu of the required 15 feet for a proposed addition and an amendment to the Final Development Plan of Stanton Woods, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-454-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. To allow a 10 ft. setback in lieu of the 15 ft. required by the Final Development Plan of Stanton Woods, Lot 15, Book 37, Folio 145, AND To amend the Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
Due to alignment of present house, extension to expand master bedroom requires encroachment beyond the 15 foot side yard shown on the original development plan. Architecture of current building requires projection of building as shown on attached plat. To attempt design of master bedroom in another way is beyond practical difficulty and probably impossible. We believe (i) and (iii) of a.2. under variances contained on page 1 of the Zoning Hearing Checklist are applicable.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name: Richard H. & Cheryl B. Kress
Address: 3409 Englemaede Road, Pikesville, MD 21208
Phone No.: 560-1402 (Office), 653-2865 (Home)

ORDER RECEIVED FOR FILING
Date: 4/16/90
By: [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of April, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of May, 1990, at 2:30 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 1/2 HR.
AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER: _____
REVISED BY: JRH DATE: 3-16-90
I-TEM # 720

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 26, 1990

THE JEFFERSONIAN,

S. Zeke Oliver
Publisher

90104494

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THE JEFFERSONIAN,

S. Zeke Oliver
Publisher

90104494

Douglas L. Kennedy, P.E.
William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerce, Suite 175
Baltimore, Maryland 21208
(301) 484-0894 / 484-0963

John M. Cosarquis, L.S. (Ret.)

90-454-A

Property of Richard H. Kress and Cheryl B. Kress
3409 Englemaede Road,
Third Election District,
Baltimore County, Maryland

March 9, 1990

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCES.

BEGINNING at a point on the South side of Englemaede Road, 50 feet wide, at a distance of 670 feet, more or less, East of the centerline of Stevenson Road, 60 feet wide; thence
(1) by a curve to the right having a radius of 725.00 feet and an arc length of 160.09 feet;
(2) South 11 degrees 46 minutes 36 seconds East 246.98 feet;
(3) South 79 degrees 53 minutes 35 seconds West 108.06 feet
and
(4) North 24 degrees 25 minutes 42 seconds West 231.86 feet to the point of beginning, containing 32,191 square feet or 0.739 acres, more or less.

BEING Lot No. 15 as shown on "Plat No. 2, Stanton Woods" as recorded in Baltimore County Plat Book No. E.H.K. Jr. 37, Folio 145. Also known as No. 3409 Englemaede Road and located in the Third Election District.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

CONFIRMING

May 24, 1990

Dennis F. Rasmussen
County Executive

Case # (a): 90-454-A

Petitioner(s): Richard and Cheryl Kress

THE ABOVE MATTER HAS BEEN REASSIGNED.

THE HEARINGS WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, MAY 31, 1990 at 2:30 p.m.

BALTIMORE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

Witness:
Copies:
Mr. & Mrs. Kress

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt No. 1763

Date: 3/16/90

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$35.00
010 - ZONING VARIANCE (I.R.L.)	1	\$35.00
TOTAL		\$70.00

LAST NAME OF OWNER: KRESS

Payment made checks payable to: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: April 30, 1990
Posted for: Variance
Petitioner: Richard H. Kress et ux
Location of property: 515 Englemaede Road, 670' E of Stevenson Road
Location of Sign: In front of 3409 Englemaede Road
Remarks: _____
Posted by: S.J. Arata Date of return: May 3, 1990
Number of Signs: 5/24/90 By: Domina

Re-posted on: 5/24/90

Baltimore County
Fire Department
Towson, Maryland 21204-2526
494-4500

Paul H. Reincke
Chief

APRIL 4, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD H. KRESS
Location: #3409 ENGLEMEAD ROAD
Item No.: 320 Zoning Agenda: APRIL 3, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John W. Kelly* Noted and Approved: *Captain W. Brackel*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 7, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Richard H. Kress
3409 Englemead Road
Pikesville, Maryland 21208

RE: PETITION FOR ZONING VARIANCE
S/S Englemead Road, 670' E of Stevenson Road
(3409 Englemead Road)
3rd Election District - 2nd Councilmanic District
Richard H. Kress, et ux - Petitioners
Case No. 90-454-A

Dear Mr. & Mrs. Kress:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

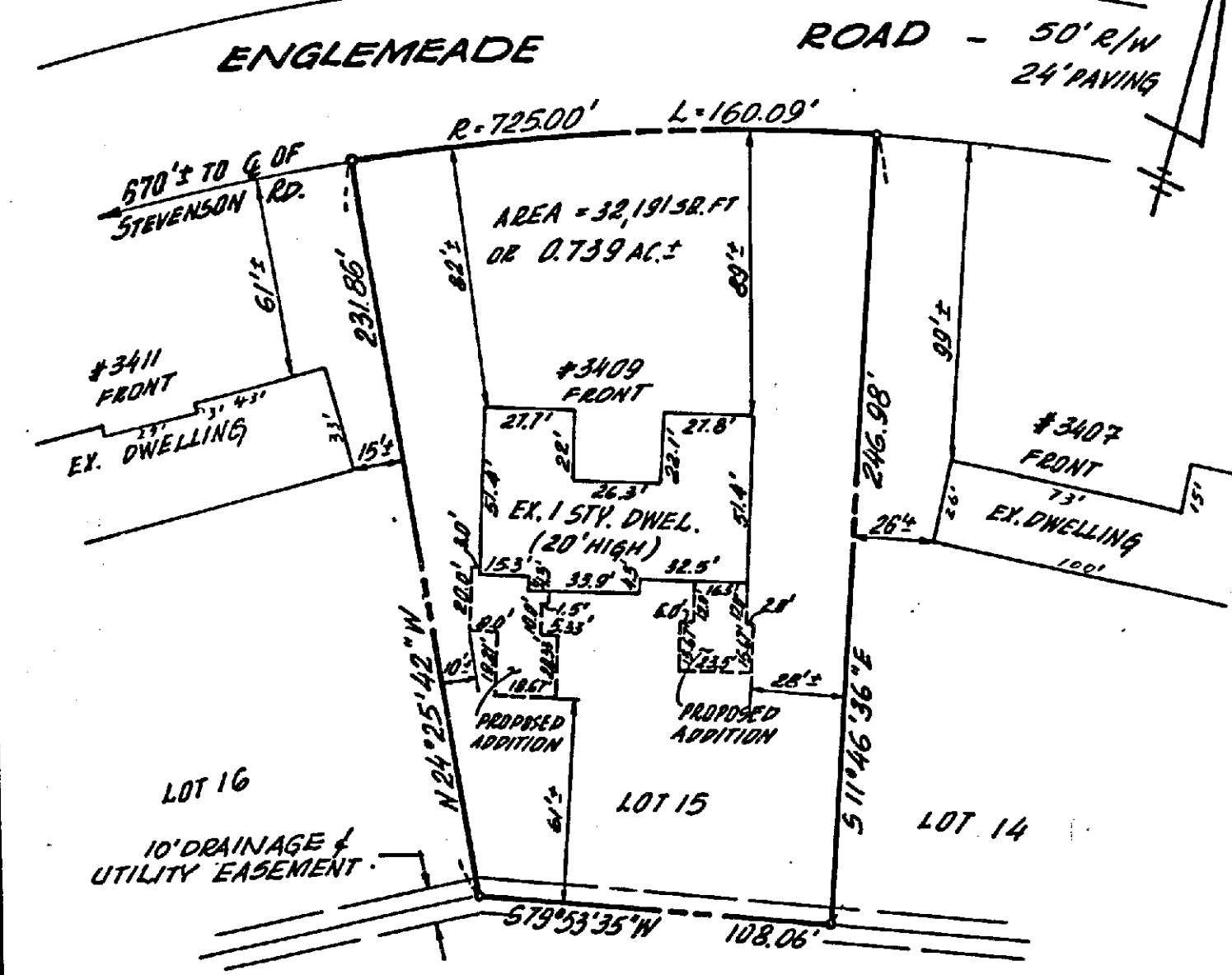
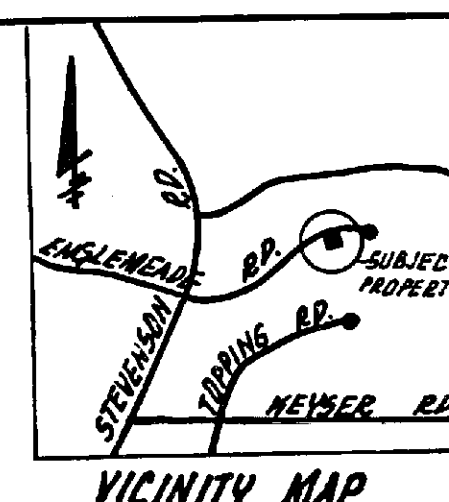
JRH:bjs

cc: People's Counsel

File

PETITIONER'S EXHIBIT 1

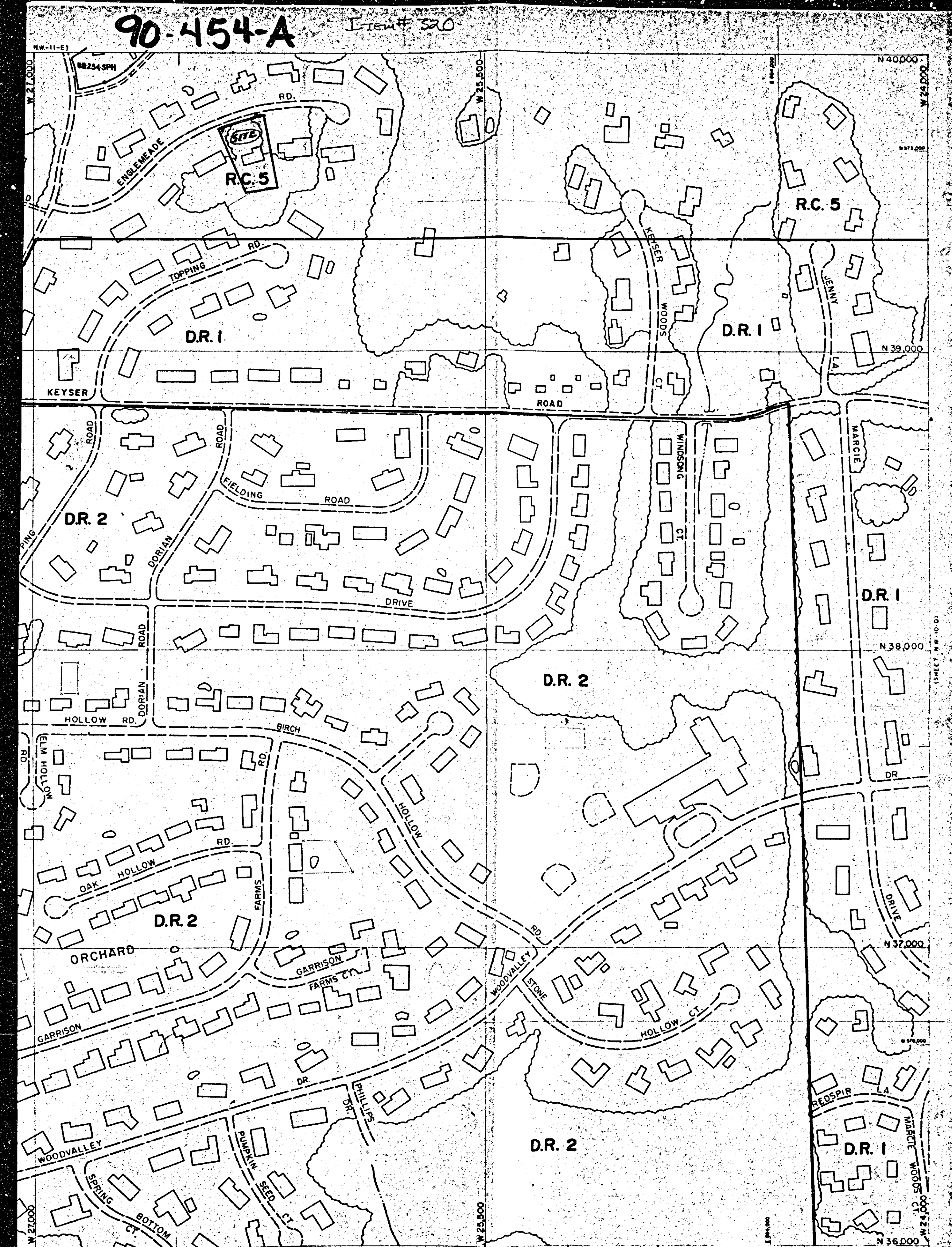
90-454-A



EXISTING PUBLIC UTILITIES IN ENGLEMEAD ROAD

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerceville, Suite 115
Baltimore, Maryland 21208
(301) 481-0963

PLAT FOR ZONING VARIANCE
(OR SPECIAL HEARING)
OWNER - RICHARD H. KRESS & MRS. KRESS
DISTRICT - 3, ZONED - R.C.5
SUBDIVISION - "STANTON WOODS"
LOT 15, ROOM NO. 37, FLOOR 145
SCALE: 1" = 50' DATE: MARCH 3, 1990.



BALTIMORE COUNTY PLANNING AND ZONING ZONING MAP

SCALE
1" = 200' ±
DATE OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
STEVENSON

SHEET
N.W.
10-E

KRESS PROPERTY
#3409 ENGLEMEAD ROAD